6419. By Mr. SWING: Petition of Fourth State Convention of the American Legion of California, favoring the passage of House bill 11449, for the protection and development of the lower Colorado River Basin; to the Committee on Rivers and Harbors.

SENATE.

TUESDAY, *November 21, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our God, we thank Thee for another day—another day of opportunity, another day of possibility—and we recognize the privilege of making this day potent with hallowed influences that we can serve better our generation by Thy will. We invoke Thy favor here this morning and ask Thee to direct the councils of the day to Thy great honor and glory. Through Christ our Lord. Amen.

The Vice President being absent, the President pro tempore, ALBERT B. CUMMINS, a Senator from the State of Iowa, took the chair.

JOSEPH S. FRELINGHUYSEN, a Senator from the State of New Jersey; FREDERICK HALE, a Senator from the State of Maine; A. OWSLEY STANLEY, a Senator from the State of Kentucky; JAMES W. WADSWORTH, Jr., a Senator from the State of New York; ATLEE POMERENE and FRANK B. WILLIS, the Senators from the State of Ohio, appeared in their seats to-day.

On request of Mr. LODGE and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

NOTIFICATION TO THE PRESIDENT.

Mr. LODGE and Mr. SIMMONS appeared, and

Mr. LODGE said:

Mr. President, the committee appointed by the Senate to notify the President have attended to the duty assigned to them and have the honor to report to the Senate that they saw the President of the United States and that he informed them that it was his intention to address the Congress to-day at half past 12 in the Chamber of the House of Representatives.

SENATORS FROM PENNSYLVANIA.

Mr. LODGE. Mr. President, I present the credentials of GEORGE WHARTON PEPPER, senior Senator elect from the State of Pennsylvania, and DAVID A. REED, junior Senator elect from the State of Pennsylvania, which I ask may be read.

The credentials were read and ordered to be filed, as follows:

IN THE NAME AND BY AUTHORITY OF THE COMMONWEALTH OF PENNSYLVANIA,
Executive Department.

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1922, GEORGE WHARTON PEPPER was duly chosen by the qualified electors of the State of Pennsylvania a Senator from said State to represent said State in the Senate of the United States until the 4th day of March, 1927.

Witness: His excellency our governor, and our seal hereto affixed at the city of Harrisburg, this 18th day of November, in the year of our Lord 1922.

[SEAL.] WM. C. SPROUL, *Governor.*

By the governor:
BERNARD J. MYERS,
Secretary of the Commonwealth.

—

IN THE NAME AND BY AUTHORITY OF THE COMMONWEALTH OF PENNSYLVANIA,
Executive Department.

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1922, DAVID A. REED was duly chosen by the qualified electors of the State of Pennsylvania a Senator from said State to represent said State in the Senate of the United States until the 4th day of March, 1923.

Witness: His excellency our governor, and our seal hereto affixed at the city of Harrisburg, this 18th day of November, in the year of our Lord 1922.

[SEAL.] WM. C. SPROUL, *Governor.*

By the governor:
BERNARD J. MYERS,
Secretary of the Commonwealth.

Mr. LODGE. The Senators elect from Pennsylvania are here and ready to take the oath of office.

The PRESIDENT pro tempore. There being no objection, the several Senators elect will be sworn in at the same time.

Mr. LODGE. I have no objection to that course.

SENATOR FROM DELAWARE.

Mr. BALL. Mr. President, I present the credentials of THOMAS F. BAYARD, Senator elect from the State of Delaware. I ask that his credentials may be read and that the oath of office may be administered to him.

The credentials were read, and ordered to be filed, as follows:

BY AUTHORITY OF THE STATE OF DELAWARE.

To the President of the Senate of the United States:

Be it known, an election was held in the State of Delaware on Tuesday, the 7th day of November, in the year of our Lord 1922, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State in the Senate of the United States.

Whereas the official certificates or returns of the said election, held in the several counties of the said State, in due manner made out, signed, and executed, have been delivered to me according to the laws of the said State, by the superior court of the said counties; and having examined said returns and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, I have found THOMAS F. BAYARD to be the person highest in vote, and therefore duly elected Senator of and for the said State in the Senate of the United States for the residue of the constitutional term which commenced on the 4th day of March, in the year of our Lord 1917.

I, William D. Denney, governor, do, therefore, according to the form of the act of the general assembly of the said State and of the act of Congress of the United States, in such case made and provided, declare the said THOMAS F. BAYARD the person highest in vote at the election aforesaid, and therefore duly and legally elected Senator of and for the said State of Delaware in the Senate of the United States, for the residue of the constitutional term which commenced on the 4th day of March in the year of our Lord 1917.

Given under my hand and the great seal of the said State, in obedience to the said act of the general assembly and of the said act of Congress, at Dover, the 15th day of November, in the year of our Lord 1922, and in the year of the independence of the United States of America the one hundred and forty-seventh.

[SEAL.] WM. D. DENNEY.

By the governor:
A. R. BENSON,
Secretary of State.

SENATOR FROM GEORGIA.

Mr. HARRIS. Mr. President, after the death of my late colleague, Thomas E. Watson, the governor of my State appointed as his successor Mrs. REBECCA LATIMER FELTON. Her credentials were sent to the Secretary of the Senate and have been here for some days. I hope no Senator will object to her taking the oath of office. The Senator elect from Georgia, Hon. WALTER F. GEORGE, very generously and very graciously has withheld his credentials in order that Mrs. FELTON may take the oath, and, as I said, I hope no Senator will object. This will not in any way prejudice Mr. GEORGE's claims to his seat in the Senate, to which the people of my State have elected him, and his credentials will be presented to-morrow.

The PRESIDENT pro tempore. The Senator from Georgia will present the certificate of appointment.

Mr. HARRIS. It is in the possession of the Secretary of the Senate.

Mr. WALSH of Montana addressed the Senate. After having spoken for some time,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that a quorum of the House of Representatives had assembled and that the House was ready for business.

The message also announced that a committee of three were appointed by the Speaker on the part of the House of Representatives to join with the committee on the part of the Senate to wait on the President of the United States and to notify him that a quorum of the two Houses had assembled and that Congress was ready to receive any communication that he might be pleased to make, and that Mr. MONDELL, Mr. MADDEN, and Mr. GARRETT of Tennessee were appointed as the committee on the part of the House.

The message further communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of Hon. THOMAS E. WATSON, late a Senator from the State of Georgia.

The message also communicated to the Senate the intelligence of the death of Hon. CHARLES R. CONNELL, late a Representative from the State of Pennsylvania, and transmitted the resolutions of the House thereon.

The message further communicated to the Senate the intelligence of the death of Hon. JOHN I. NOLAN, late a Representative from the State of California, and transmitted the resolutions of the House thereon.

The message also announced that the House had passed a bill (H. R. 11579) to amend section 1 of an act approved January 11, 1922, entitled "An act to permit the city of Chicago to acquire real estate of the United States of America," in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 72) authorizing the two Houses of Congress to assemble in the Hall of the House of Representatives on Tuesday, the 21st day of November,

1922, at 12.30 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them, in which it requested the concurrence of the Senate.

JOINT MEETING OF THE TWO HOUSES.

Mr. LODGE. Mr. President, I ask the Senator from Montana to yield to me.

Mr. WALSH of Montana. I yield to the Senator from Massachusetts.

Mr. LODGE. I ask that the concurrent resolution of the House of Representatives be laid before the Senate.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives (H. Con. Res. 72), which was read:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 21st day of November, 1922, at 12.30 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. LODGE. I move that the Senate concur in the resolution of the House.

The concurrent resolution was considered by unanimous consent and agreed to.

Mr. LODGE. Mr. President, I now ask the Senator from Montana to yield further so that the Senate may carry out the order which has just been adopted.

Mr. WALSH of Montana. Certainly.

Mr. LODGE. In the meantime the Senate will stand in recess until the order has been fulfilled.

The PRESIDENT pro tempore (at 12 o'clock and 25 minutes p. m.). In accordance with the order just adopted, the Senate will now repair to the House of Representatives.

Thereupon the Senate, preceded by its Sergeant at Arms (David S. Barry) and by the President pro tempore and the Secretary (George A. Sanderson), proceeded to the Hall of the House of Representatives.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

The address of the President of the United States this day delivered at a joint meeting of the two Houses of Congress is as follows:

The PRESIDENT. Members of the Congress: Late last February I reported to you relative to the American merchant marine, and recommended legislation which the executive branch of the Government deemed essential to promote our merchant marine and with it our national welfare. Other problems were pressing and other questions pending, and for one reason or another, which need not be recited, the suggested legislation has not progressed beyond a favorable recommendation by the House committee. The committee has given the question a full and painstaking inquiry and study, and I hope that its favorable report speedily will be given the force of law.

It will be helpful in clearing the atmosphere if we start with the frank recognition of divided opinion and determined opposition. It is no new experience. Like proposals have divided the Congress on various previous occasions. Perhaps a more resolute hostility never was manifest before, and I am very sure the need for decisive action—decisive, favorable action—never was so urgent before.

We are not now dealing with a policy founded on theory; we have a problem which is one of grim actuality. We are facing insistent conditions, out of which will come either additional and staggering Government losses and national impotence on the seas, or else the unfurling of the flag on a great American merchant marine commensurate with our commercial importance, to serve as carrier of our cargoes in peace and meet the necessities of our defense in war. There is no thought here and now to magnify the relation of a merchant marine to our national defense. It is enough to recall that we entered the World War almost wholly dependent on our Allies for transportation by sea. We expended approximately three billions, feverishly, extravagantly, wastefully, and impractically. Out of our eagerness to make up for the omissions of peace and to meet the war emergency we builded and otherwise acquired the vast merchant fleet which the Government owns to-day.

In the simplest way I can say it, our immediate problem is not to build and support a merchant shipping, which I hold to be one of the highest and most worthy aspirations of any great people; our problem is to deal with what we now possess. Our problem is to relieve the Public Treasury of the drain it is already meeting. Let us omit particulars about the frenzied war-time building. Possibly we did full as well as could have been done in the anxious circumstances. Let us pass for the moment the vital relationship between a merchant marine and a commercially aspiring nation. Aye, let us suppose for a moment the absurdity that with one $3,000,000,000 experience, and with the incalculable costs in lives and treasure which may be chargeable to our inability promptly to apply our potency—which God forefend happening again—let us momentarily ignore all of these and turn to note the mere business problem, the practical question of dollars and cents with which we are confronted.

The war construction and the later completion of war contracts, where completion was believed to be the greater economy to the Public Treasury, left us approximately 13,200,000 gross tonnage in ships. The figures are nearer 12,500,000 tons now, owing to the scrapping of the wooden fleet. More than half this tonnage is Government owned, and approximately 2,250,000 tons are under Government operation in one form or another. The net loss to the United States Treasury—sums actually taken therefrom in this Government operation—averaged approximately $16,000,000 per month during the year prior to the assumption of responsibility by the present administration. A constant warfare on this loss of public funds, and the draft to service of capable business management and experienced operating directors, have resulted in applied efficiency and enforced economies. It is very gratifying to report the diminution of the losses to $4,000,000 per month, or a total of $50,000,000 a year; but it is intolerable that the Government should continue a policy from which so enormous a Treasury loss is the inevitable outcome. This loss, moreover, attends operation of less than a third of the Government-owned fleet.

It is not, therefore, a question of adding new Treasury burdens to maintain our shipping; we are paying these burdens now. It is not a question of contracting an outlay to support our merchant shipping, because we are paying already. I am not asking your authorization of a new and added draft on the Public Treasury; I am appealing for a program to diminish the burden we are already bearing.

When your executive government knows of public expenditures aggregating fifty millions annually, which it believes could be reduced by half through a change of policy, your government would be unworthy of public trust if such a change were not commended, nay, if it were not insistently urged.

And the pity of it is that our present expenditure in losses is not constructive. It looks to no future attainments. It is utterly ineffective in the establishment of a dependable merchant marine, whereas the encouragement of private ownership and the application of individual initiative would make for a permanent creation, ready and answerable at all times to the needs of the Nation.

But I have not properly portrayed all the current losses to the Public Treasury. We are wearing out our ships without any provision for replacement. We are having these losses through deterioration now, and are charging nothing against our capital account. But the losses are there, and regrettably larger under Government operation than under private control. Only a few years of continued losses on capital account will make these losses through depreciation alone to exceed the fifty millions a year now drawn to cover losses in operation.

The gloomy picture of losses does not end even there. Notwithstanding the known war cost of $3,000,000,000 for the present tonnage, I will not venture to appraise its cash value to-day. It may as well be confessed now as at some later time that in the mad rush to build, in establishing shipyards wherever men would organize to expend Government money, when we made shipbuilders overnight quite without regard to previous occupations or pursuits, we builded poorly, often very poorly. Moreover, we constructed without any formulated program for a merchant marine. The war emergency impelled, and the cry was for ships, any kind of ships. The error is recalled in regret rather than criticism. The point is that our fleet, costing approximately $3,000,000,000, is worth only a fraction of that cost to-day. Whatever that fraction may be, the truth remains that we have no market in which to sell the ships under our present policy, and a program of surrender and sacrifice and the liquidation which is inevitable unless the pending legislation is sanctioned, will cost scores of millions more.

When the question is asked, Why the insistence for the merchant marine act now? the answer is apparent. Waiving every inspiration which lies in a constructive plan for maintaining prudence in safeguarding against another $3,000,000,000 madness if war ever again impels, we have the unavoidable task of wiping out a $50,000,000 annual loss in operation, and losses aggregating many hundreds of millions in worn-out, sacrificed, or scrapped shipping. Then the supreme humiliation, the admission that the United States—our America, once eminent among the maritime nations of the world—is incapable of

asserting itself in the peace triumphs on the seas of the world. It would seem to me doubly humiliating when we own the ships and fail in the genius and capacity to turn their prows toward the marts of the world.

This problem can not longer be ignored, its attempted solution can not longer be postponed. The failure of Congress to act decisively will be no less disastrous than adverse action.

Three courses of action are possible, and the choice among them is no longer to be avoided.

The first is constructive—enact the pending bill, under which, I firmly believe, an American merchant marine, privately owned and privately operated, but serving all the people and always available to the Government in any emergency, may be established and maintained.

The second is obstructive—continue Government operations and attending Government losses and discourage private enterprise by Government competition, under which losses are met by the Public Treasury, and witness the continued losses and deterioration until the colossal failure ends in sheer exhaustion.

The third is destructive—involving the sacrifice of our ships abroad or the scrapping of them at home, the surrender of our aspirations, and the confession of our impotence to the world in general and our humiliation before the competing world in particular.

A choice among the three is inevitable. It is unbelievable that the American people or the Congress which expresses their power will consent to surrender and destruction. It is equally unbelievable that our people and the Congress which translates their wishes into action will longer sustain a program of obstruction and attending losses to the Treasury.

I have come to urge the constructive alternative, to reassert an American "We will." I have come to ask you to relieve the responsible administrative branch of the Government from a program upon which failure and hopelessness and staggering losses are written for every page, and let us turn to a program of assured shipping to serve us in war and to give guaranty to our commercial independence in peace.

I know full well the hostility in the popular mind to the word "subsidy." It is stressed by the opposition and associated with "special privilege" by those who are unfailing advocates of Government aid whenever vast numbers are directly concerned. "Government aid" would be a fairer term than "subsidy" in defining what we are seeking to do for our merchant marine, and the interests are those of all the people, even though the aid goes to the few who serve.

If Government aid is a fair term—and I think it is—to apply to authorizations aggregating $75,000,000 to promote good roads for market highways, it is equally fit to be applied to the establishment and maintenance of American market highways on the salted seas. If Government aid is the proper designation for fifteen to forty millions annually expended to improve and maintain inland waterways in aid of commerce, it is a proper designation for a needed assistance to establish and maintain ocean highways where there is actual commerce to be carried.

But call it "subsidy," since there are those who prefer to appeal to mistaken prejudice rather than make frank and logical argument. We might so call the annual loss of fifty millions, which we are paying now without protest by those who most abhor, we might as well call that a "subsidy." If so, I am proposing to cut it in half, approximately, and to the saving thus effected there would be added millions upon millions of further savings through ending losses on capital account—Government capital, out of the Public Treasury, always remember—and there would be at least the promise and the prospect of the permanent establishment of the needed merchant marine.

I challenge every insinuation of favored interests and the enrichment of the special few at the expense of the Public Treasury. I am, first of all, appealing to save the Treasury. Perhaps the unlimited bestowal of Government aid might justify the apprehension of special favoring, but the pending bill, the first ever proposed which carries such a provision, automatically guards against enrichment or perpetuated bestowal. It provides that shipping lines receiving Government aid must have their actual investment and their operating expenses audited by the Government, that Government aid will only be paid until the shipping enterprise earns 10 per cent on actual capital employed, and immediately that when more than 10 per cent earning is reached half of the excess earnings must be applied to the repayment of the Government aid which has been previously advanced. Thus the possible earnings are limited to a very reasonable amount if capital is to be risked and management is to be attracted. If success attends, as we hope it will, the Government outlay is returned, the inspiration of opportunity to earn remains, and American transportation by sea is established.

Though differing in detail, it is not more in proportion to their population and capacity than other great nations have done in aiding the establishment of their merchant marines, and it is timely to recall that we gave them our commerce to aid in their upbuilding, while the American task now is to upbuild and establish in the face of their most active competition. Indeed, the American development will have to overcome every obstacle which may be put in our path, except as international comity forbids. Concern about our policy is not limited to our own domain, though the interest abroad is of very differing character. I hope it is seemly to say it, because it must be said, the maritime nations of the world are in complete accord with the opposition here to the pending measure. They have a perfect right to such an attitude. When we look from their viewpoints we can understand. But I wish to stress the American viewpoint. Ours should be the viewpoint from which one sees American carriers at sea, the dependence of American commerce, and American vessels for American reliance in the event of war. Some of the costly lessons of war must be learned again and again, but our shipping lesson in the World War was much too costly to be effaced from the memory of this or future generations.

Not so many months ago the head of a company operating a fleet of ships under our flag called at the Executive Offices to discuss a permit to transfer his fleet of cargo vessels to a foreign flag, though he meant to continue them in a distinctly American service. He based his request for transfer on the allegation that by such a transfer he could reduce his labor costs alone sufficiently to provide a profit on capital invested. I do not vouch for the accuracy of the statement nor mean to discuss it. The allusion is made to recall that in good conscience Congress has created by law conditions surrounding labor on American ships which shipping men the world over declare result in higher costs of operation under our flag. I frankly rejoice if higher standards for labor on American ships have been established. Merest justice suggests that when Congress fixes these standards it is fair to extend Government aid in maintaining them until world competition is brought to the same high level, or until our shipping lines are so firmly established that they can face world competition alone.

Having discussed in detail the policy and provisions of the pending bill when previously addressing you, I forbear a repetition now. In individual exchanges of opinion not a few in House or Senate have expressed personal sympathy with the purposes of the bill and then uttered a discouraging doubt about the sentiment of their constituencies. It would be most discouraging if a measure of such transcending national importance must have its fate depend on geographical, occupational, professional, or partisan objections. Frankly, I think it loftier statesmanship to support and commend a policy designed to effect the larger good to the Nation than merely to record the too hasty impressions of a constituency. Out of the harmonized aspirations, the fully informed convictions, and the united efforts of all the people will come the greater Republic. Commercial eminence on the seas, ample agencies for the promotion and carrying of our foreign commerce, are of no less importance to the people of Mississippi and the Missouri Valley, the great Northwest, and the Rocky Mountain States than to the seaboard States and industrial communities building inland a thousand miles or more. It is a common cause, with its benefits commonly shared. When people fall in the national viewpoint, and live in the confines of community selfishness or narrowness, the sun of this Republic will have passed its meridian, and our larger aspirations will shrivel in the approaching twilight.

But let us momentarily put aside the aspiring and inspiring viewpoint. The blunt, indisputable fact of the loss of fifty millions a year under Government operation remains; likewise the fast diminishing capital account, the enormous war expenditure, to which we were forced because we had not fittingly encouraged and builded as our commerce expanded in peace. Here are facts to deal with, not fancies wrought out of our political and economic disputes. The abolition of the annual loss and the best salvage of the capital account are of concern to all the people.

It is my firm belief that the combined savings of operating losses and the protection of the capital account through more advantageous sales of our war-built or war-seized ships, because of the favoring policy which the pending bill will establish, will more than pay every dollar expended in Government aid for 25 years to come.

It should be kept in mind that the approximate sum of five millions annually paid for the transport of ocean mails is no

new expenditure. It should be kept in mind that the loan fund to encourage building is not new; it is the law already, enacted by the essential unanimous vote of Congress. It is only included in the pending bill in order to amend so as to assure the exaction of a minimum interest rate by the Government, whereas the existing law leaves the grant of building loans subject to any whim of favoritism.

It should be kept in mind, also, that there are assured limitations of the Government aid proposed. The direct aid, with ocean carrying maintained at our present participation, will not reach twenty millions a year, and the maximum direct aid, if our shipping is so promoted that we carry one-half our deep-seas commerce, will not exceed thirty millions annually. At the very maximum of outlay we should be saving twenty millions of our present annual operating loss. If the maximum is ever reached, the establishment of our merchant marine will have been definitely recorded and the Government-owned fleet fortunately liquidated.

From this point of view it is the simple, incontestable wisdom of businesslike dealing to save all that is possible of the annual loss and avoid the millions sure to be lost to the Government's capital account in sacrificing our fleet. But there is a bigger, broader, more inspiring viewpoint, aye, a patriotic viewpoint. I refer to the constructive action of to-day, which offers the only dependable promise of making our war-time inheritance of ships the foundation of a great agency of commerce in peace and an added guaranty of service when it is necessary to our national defense.

Thus far I have been urging Government aid to American shipping, having in mind every interest of our producing population, whether of mine, factory, or farm, because expanding commerce is the foremost thought of every nation in the world to-day.

I believe in Government aid becomingly bestowed. We have aided industry through our tariffs; we have aided railway transportation in land grants and loans. We have aided the construction of market roads and the improvement of inland waterways. We have aided reclamation and irrigation and the development of water powers; we have loaned for seed grains in anticipation of harvests. We expend millions in investigation and experimentation to promote a common benefit, though a limited few are the direct beneficiaries. We have loaned hundreds of millions to promote the marketing of American goods. It has all been commendable and highly worth while.

At the present moment the American farmer is the chief sufferer from the cruel readjustments which follow war's inflations, and befitting Government aid to our farmers is highly essential to our national welfare. No people may safely boast a good fortune which the farmer does not share.

Already this Congress and the administrative branch of the Government have given willing ear to the agricultural plea for postwar relief, and much has been done which has proven helpful. Admittedly, it is not enough. Our credit systems, under Government provision and control, must be promptly and safely broadened to relieve our agricultural distress.

To this problem and such others of pressing importance as reasonably may be dealt with in the short session I shall invite your attention at an early date.

I have chosen to confine myself to the specific problem of dealing with our merchant marine because I have asked you to assemble two weeks in advance of the regularly appointed time to expedite its consideration. The executive branch of the Government would feel itself remiss to contemplate our yearly loss and attending failure to accomplish if the conditions were not pressed for your decision. More, I would feel myself lacking in concern for America's future if I failed to stress the beckoning opportunity to equip the United States to assume a befitting place among the nations of the world whose commerce is inseparable from the good fortunes to which rightfully all peoples aspire.

The Senate returned to its Chamber at 1 o'clock and 10 minutes p. m., and the President pro tempore resumed the chair.

CALL OF THE ROLL.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Cummins	France	Hitchcock
Borah	Curtis	Gooding	Kellogg
Brandegee	Dial	Hale	Keyes
Broussard	Edge	Harreld	Ladd
Calder	Elkins	Harris	La Follette
Capper	Ernst	Harrison	Lodge
Colt	Fletcher	Heflin	McKellar
McKinley	Pepper	Simmons	Trammell
McNary	Pittman	Smith	Wadsworth
Nelson	Pomerene	Smoot	Walsh, Mass.
Nicholson	Ransdell	Stanfield	Walsh, Mont.
Norris	Reed, Pa.	Stanley	Warren
Overman	Sheppard	Sterling	Watson
Owen	Shields	Sutherland	Weller
Page	Shortridge	Swanson	Willis

The PRESIDENT pro tempore. Sixty Senators having answered to their names, a quorum is present.

SWEARING IN OF SENATORS.

Mr. LODGE. Mr. President, with the consent of the Senator from Montana, I ask that the three Senators whose credentials, which will lead to no discussion whatever, have been presented and who are waiting here to take the oath may be permitted now to do so.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senators from Pennsylvania and the Senator from Delaware will present themselves at the desk.

Mr. PEPPER and Mr. REED of Pennsylvania, escorted by Mr. LODGE, and Mr. BAYARD, escorted by Mr. BALL, advanced to the Vice President's desk, and the oath prescribed by law having been administered to them, they took their seats in the Senate.

PUEBLO INDIAN LANDS IN NEW MEXICO.

Mr. BORAH. Mr. President, will the Senator from Montana indulge me for just a moment?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield to the Senator.

Mr. BORAH. I wish to call attention to the bill (S. 3855) to ascertain and settle land claims of persons not Indian within pueblo Indian land, land grants, and reservations in the State of New Mexico, which passed the Senate in the closing days of the session, and which, I think, passed the Senate under a misapprehension as to what its terms are. I ask unanimous consent that the House be requested to return the bill to the Senate.

Mr. FLETCHER. Mr. President, will the Senator state what is the purpose of the bill?

Mr. BORAH. The bill relates to certain Indian lands in New Mexico.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho that the House of Representatives be requested to return to the Senate Senate bill 3855? The Chair hears no objection, and the order is entered.

SENATOR FROM GEORGIA.

Mr. HARRELD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WALSH of Montana. I think we ought to dispose of the matter which is before the Senate at this time.

Mr. HARRELD. I merely wanted to introduce a bill.

Mr. WALSH of Montana. I shall have to object to further interruption until the pending matter shall have been disposed of.

Mr. NICHOLSON. Mr. President, will the Senator from Montana kindly yield in order that I may introduce a bill? It will take but a moment.

Mr. WALSH of Montana. No; I object to the transaction of any business whatever until the pending matter shall have been disposed of. It is a question of high privilege.

The PRESIDENT pro tempore. The Senator from Montana is entitled to the floor and will proceed.

Mr. WALSH of Montana resumed and concluded his speech, which is entire as follows:

Mr. WALSH of Montana. Mr. President, I am very sure there is no Member of the Senate who does not desire to accord to this estimable and worthy woman the high honor of sitting even for a brief period as a Member of this body, if he can do so consistently with his sense of duty. It would do very little credit, however, to this body or to her to admit her to membership if the Constitution, which we have all sworn to support by the oath she must subscribe, forbids it. As very grave doubt has been cast upon her present right to take the oath by the public statement of the governor of her State, I venture to submit for the consideration of the Senate some reflections upon the subject as well as some precedents in relation to it.

As the Senate has been advised, upon the death of the late Senator WATSON, Mrs. FELTON was appointed pursuant to the amendment to the Constitution and the laws of Georgia to fill the vacancy until the next election should take place. Writs of election were issued in that State in accordance with the amendment to the Constitution, and an election was held on the 7th day of November, as the result of which, as we have been advised unofficially by the public press, Mr. GEORGE was

elected to fill the vacancy. Similarly we are advised that the board of canvassers of the State met, discharged their duties in the premises, and there was issued to him a certificate of election. Of these facts I understand there is no dispute.

The relevant provision of the Constitution is clause 2 of the seventeenth amendment, which reads as follows:

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

The question is presented as to what is meant by an election as there used. Was the election accomplished when the voters deposited their ballots in the ballot box upon the 7th day of November last, or were the subsequent proceedings, the returns of the result, the canvassing of the returns, the certification of the result, and the issuing of a certificate, a part of the election? Was the election complete only when these things were done, or did it take place and become complete on the 7th day of November?

Further, the question is presented whether, even if the election was complete at that time, the sitting Member has not the right to sit until the credentials of her successor are presented to the Senate.

If it be true that the election took place and was complete upon the 7th day of November, it may be that the term of Mrs. FELTON expired on that day, although her successor might not until some time thereafter, namely, after the canvassing board had completed its work and a certificate of election had been delivered him, be in a situation to establish his title to the place. If that view is to obtain, there would then be a hiatus, an interim, during which the State would have but one representative in the Senate.

It has been contended, and I think with some degree of force, that the certificate is not absolutely essential to permit the admission of the Member. Members of the House are frequently sworn in without the presentation of certificates of their election, and oftentimes before the canvass has occurred. On yesterday several Members of the House were admitted to membership without the presentation of the official evidence of their election, either because the certificate had been delayed in transmission or because the canvass had not been completed. It could easily be conceived that the proper officers might willfully withhold the certificate, in which case the Senate would undoubtedly receive extraneous evidence to establish the fact of the election.

Moreover, it is maintained, upon reason as well as authority, that the Senate and House will take judicial notice of the fact that an election took place and of who was elected thereat. Courts take judicial notice of notorious facts of history. It would not be necessary, for instance, to establish by proof that the Battle of Gettysburg took place on the 1st, 2d, and 3d days of July, 1863. The court knows that as a matter of history. So as a matter of current history it is not improbable that we would take notice that Mr. BROOKHART, from the State of Iowa, and Mr. GEORGE, from the State of Georgia, were elected Members of this body at the late election. The Supreme Court of the United States quotes with apparent approval a paragraph from Greenfield on Evidence supporting this view. In a case in the State of North Dakota the court took judicial notice of the fact that certain gentlemen were elected members of the supreme court itself, the board of canvassers not yet having completed their work or certified the result as to the judgeships in question.

Important consequences necessarily follow from the adoption of either the one or the other view, namely, that the election was complete on the 7th of November or only after the canvassing board had declared the result. If, for instance, Senator GEORGE had died on the 8th day of November and before the canvassing board had completed its work, the question would arise as to whether Mrs. FELTON continued to be a Senator from Georgia until a new election should be held to fill the vacancy or whether her term of office having expired at midnight on the 7th of November the Governor of Georgia was entitled to appoint another person until the vacancy should be filled by election.

The question as to who should draw the salary, not only of the Senator, but of the clerks of the Senator, also becomes a matter of considerable importance. That feature of it was presented for consideration to the late Vice President Marshall, who ruled that the right of the appointee of the governor to the office, at least so far as the salaries of the clerks were concerned, expired on the night of the election. His views about the matter were expressed in a letter directed to the financial secretary of the Senate under date of October 15, 1918, which I ask be read at the desk.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

THE VICE PRESIDENT'S CHAMBER,
Washington, October 15, 1918.

MY DEAR MR. PACE: In response to your inquiry as to the tenure of office of temporary appointment of Senators by the governors of the several States, I have the honor to give you the following opinion:

The supreme law of the land upon this question is the seventeenth amendment to the Constitution of the United States. Neither Congress nor the general assembly of any State of this Union can add to or take therefrom. The portion of the seventeenth amendment which has to do with this question reads as follows:

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct."

To my mind this clause authorizes the legislature of any State to empower the executive to make a temporary appointment until an election; that the legislature could either provide for a special election to take place within a reasonable time, or a fair construction of the constitutional provision would permit the legislature to delay the election until the next general election in the State.

It may be contended with some plausibility that the election might be postponed until the expiration of the term of the Senator whose death occasioned the temporary appointment. Personally, I do not so believe, nor is it needful under present circumstances to express an opinion upon this subject.

The tenure of office of those holding temporary appointments in the United States runs until the people have filled the vacancies by election, as the legislatures may direct. In all cases now under consideration the people will vote for United States Senators to fill the vacancies now being filled by these temporary appointments upon the 5th day of November next. The sole question for determination is, therefore, What constitutes an election?

The phraseology of the Constitution of the United States is radically different from that of many of the Commonwealths. Numerous State constitutions provide a tenure of office and then add that the incumbent shall hold the office for that period of time and until his successor is elected and qualified. In the seventeenth amendment to the Constitution of the United States nothing is said about holding beyond the election.

In the absence of disqualification to hold office, Senators will be elected on the 5th day of November next. They may be compelled to run the gamut of executive, administrative, judicial, and senatorial investigation before they are entitled to qualify and take their seats as Members of the United States Senate. They may fail to even reach the coveted positions. Equitably, it would seem that the present incumbents ought to be permitted to hold until the successors elected on the 5th of November have been sworn in as Senators of the United States. Such, however, is not the law. The tenure of office of all Senators now holding temporary appointment in the Senate of the United States will expire upon the 5th day of November next, and in the discharge of my sworn duty I can certify no compensation after that date.

I regret being compelled to render this opinion, but I think my duty as plain as a pikestaff.

Very respectfully,

THOS. R. MARSHALL.

CHARLES F. PACE,
Financial Secretary United States Senate.

Mr. WALSH of Montana. The conclusion arrived at by the late Vice President, as expressed in the letter just read, concerning the significance of the word "election" as used in the constitutional amendment, is in accordance with the common understanding in relation thereto. As the term is ordinarily employed it undoubtedly means the day upon which the ballots are cast—in this particular instance the 7th day of November. It was given that significance by the Supreme Court of the State of Alabama in the case of State ex rel. Tucker *v.* Harris (54 Ala. 203). A statute of that State declared the office of sheriff to be vacant unless the sheriff gave a bond within 15 days after the election. In that case the votes were not canvassed within that period, but it was held, notwithstanding, that the office became vacant if the sheriff did not give a bond within 15 days after the day on which the ballots were cast. That view is in accordance also with the form prescribed by the certificate of appointment of a Senator prepared by the Senate for the information of the executives of the various States after the adoption of the amendment, a copy of which is found on page 9 of the Book of Rules of the Senate. It reads as follows:

Resolved, That in the opinion of the Senate the following are convenient and sufficient forms of certificate of election of a Senator or the appointment of a Senator, to be signed by the executive of any State in pursuance of the Constitution and the statutes of the United States:

"To the President of the Senate of the United States:

"This is to certify that on the — day of ———, 19—, A——— B——— was duly chosen by the qualified electors of the State of ——— a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 19—.

"Witness: His excellency our governor ———, and our seal hereto affixed at ——— this — day of ———, in the year of our Lord 19—.

"By the governor:

"C——— D———,
"Governor.

"E——— F———,
"Secretary of State."

The date inserted undoubtedly would be, and I believe has uniformly been, the day on which the ballots were cast and not the day upon which the returns were eventually canvassed.

But, Mr. President, while I have the very highest respect for the opinion of the late Vice President upon a subject like this, and we all know that his views upon similar questions were characterized by saving good sense, it is quite evident that he passed upon the question without consideration of the precedents of the Senate, which seem to me all important, indeed controlling. Those, Mr. President, are unbroken to the effect that the appointee of the governor is entitled to sit until his successor, elected by the legislature under the old Constitution, presents himself at the bar of the Senate and claims his seat or, at least, until the credentials of his successor are in some other way presented to the Senate. The provision of the original Constitution was quite ambiguous as to the time when the right of the appointee ceased. It read as follows:

And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

It was contended for a long time that by the plain language of the Constitution an appointee of the governor held his office only until the day on which the legislature of the State assembled. It was stoutly maintained that at least as soon as the legislature elected a Senator the right of the governor's appointee ceased. Finally it was contended that the right of the appointee did not cease until the person elected by the legislature presented his credentials; and the action of the Senate from the very beginning, Mr. President, has been in accordance with that theory. In connection with a report of the Judiciary Committee of the Senate made in the year 1851, a long list of cases, dating from the beginning of our Government, was given, showing that to have been the uniform practice and course of the Senate. Thus:

Thomas Posey, of Louisiana, appointed by the governor October 8, 1812, appeared and was classed November 27, 1812, qualified December 7, 1812, and took his seat, which he held until his successor, Mr. James Brown, elected by the legislature, appeared. Mr. Brown was elected December 1, 1812, and took his seat in the Senate February 5, 1813.

The appointee in that case held from December 1, 1812, when his successor was elected, until February 5, 1813, when the Senator elected by the legislature appeared.

Cristopher Gore, of Massachusetts, appointed by the governor May 5, 1813, took his seat May 28, 1813, and held until his successor, himself, appeared and qualified. Mr. Gore's credentials were presented June 4, 1813.

In that case the appointee of the governor held after his successor was elected from May 28, 1813, to June 4, 1813.

Jesse Wharton, of Tennessee, appointed by the governor March 17, 1814, took his seat April 9, 1814, and held until his successor, John Williams, appeared and qualified. Mr. Williams was elected by the legislature October 10, 1815, and appeared December 4, 1815.

As will be observed, there was a lapse of nearly 60 days; that is to say, the appointee of the governor served almost 60 days after his successor had been elected by the legislature.

The report from which I have quoted, Mr. President, was made in connection with a somewhat historic case. It arose by reason of the resignation of Daniel Webster in 1850. The facts are recited briefly in the syllabus of the case reported in Senate Election Cases, as follows:

Mr. Winthrop was appointed July 27, 1850, to fill a vacancy happening in the Senate by the resignation of Daniel Webster. February 1, 1851, Robert Rantoul was elected by the legislature to fill the unexpired term. February 4, Mr. Rantoul not having appeared to take the seat—

It will be observed that he had been elected February 1—

Mr. Winthrop offered a resolution, which was agreed to, "that the Committee on the Judiciary inquire and report to the Senate, as early as practicable, at what period the term of service of a Senator appointed by the executive of a State during the recess of the legislature thereof rightfully expires." The committee reported "that a person so appointed had a right to the seat until the legislature, at its next meeting, should elect a person to fill the unexpired term, and the person elected should accept, and his acceptance appear to the Senate; that presentation of credentials implied acceptance; that these views were sustained by precedents." The report was debated, but no action taken, the whole subject being laid on the table. Mr. Winthrop vacated the seat February 7, 1851, when Mr. Rantoul's credentials were presented.

Mr. President, it will be noted that if, as I have heretofore observed, the right of the appointee terminates on the day of the election—that is to say, on the day on which the votes are cast—there must, under any circumstances whatever, result a hiatus between that time and the time when his or her successor takes his seat. If he does not take his seat until a certificate is issued to him after the canvassing board has done its work, the period will be considerable in many instances, the State meanwhile being unrepresented; but if, indeed, we may take judicial notice of the election, without the necessity of a formal certificate of election, from such information as we can secure, still there must be a hiatus. That is to say, the result can not be determined until the night of the election, ordinarily; and though the Member proceeds at once to the Capital from a remote section of the country—California, or the State of Washington—at least four days must ensue until the successor of the governor's appointee can arrive to take his place, the State meanwhile being unrepresented. From my State a period of three days would elapse. We must consider these provisions in view of the conditions which obtained at the time the Constitution was adopted, when sometimes it took a week or two weeks to travel from distant States to the Capital.

It is said as a principle of physics that nature abhors a vacuum, and it is undoubtedly true that the law abhors a vacancy. The most liberal construction will, accordingly, be given to any statute or to any constitution so that there shall be no vacancy, so that the appointee or Member elect shall take his seat as his predecessor vacates it.

The views of the committee to which reference has been made and which considered the subject over 70 years ago are expressed in brief in its report. Its reasoning will doubtless be of interest to the Members who have followed the discussion. From that report I read:

The question presented by the resolution turns mainly upon the construction of the clause of Article I, section 2, of the Constitution of the United States, which provides that "if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall fill such vacancies."

Your committee are of the opinion that the sitting Member under executive appointment has a right to occupy his seat until the vacancy shall be filled by the legislature of the State of which he is a Senator during the next meeting thereof. To fill such vacancy it is not only necessary to make an election, but that the person elected shall accept the appointment. And your committee are further of the opinion that such acceptance should appear by the presentation to the Senate of the credentials of the Member elect, or other official information of the fact, at which time the office of the sitting Member terminates. When the Member elect is present and ready to qualify his express acceptance is at once made known; and when his credentials are presented in his absence his acceptance may be fairly implied.

The report, Mr. President, gave rise to an extended discussion before the Senate. I shall not trouble the Senate with any extended reference to it; but I call your attention to the various propositions which were debated, as expressed by Mr. Bradbury, a Senator from the State of Maine and a member of the committee, who in the course of some remarks said:

Three distinct positions have been taken and are presented in the propositions that have been discussed, as to the time when the office of a person holding under executive appointment, to fill a vacancy in the Senate happening by resignation or otherwise during the recess of the legislature of any State terminates.

The first is that it terminates on the first day of the next meeting of the legislature of such State. This is the position of the Senator from South Carolina [Mr. Rhett] and is intended to be presented by his amendment to the resolution of the Senator from Massachusetts [Mr. Davis].

The second is that such office terminates upon the presentation to the Senate, during the next session of such legislature, of the credentials of the Member elected to fill such vacancy. This is the position maintained in the report of the committee.

The third is that it does not terminate until the Member elected to fill the vacancy is present to take his seat. This is the position embraced in the resolution of the Senator from Massachusetts.

I am sure you will be interested in what Senator Benton, of Missouri, said concerning the practice of the Senate, speaking, as is well known, from his 30 years' experience as a member of this body. He remarked:

I have been accustomed to see Senators who held appointments under the same form that the Senator from Massachusetts did sit in their seats until their successors arrived. And I have seen them when their successors arrived introduce them, get up, and give them their seats, and go out. I have seen that, and I have become accustomed to it. It corresponds to what I think is due to every State, what is due to the system of representation, that if there be any doubt at all in a question of this kind the benefit of that doubt should be given to the State. She should have the benefit of a full representation up to the last moment. There should be no gap or interval.

In the volume to which I have referred, the Senate Election Cases, the list of cases referred to in the earlier volume, in which is found the report made by the Senate Judiciary Committee in 1850, is supplemented by a large number of cases running down to the year 1913. It is headed:

A list showing all the appointments of Senators by governors of States prior to March 4, 1913, arranged in the order of time that the credentials were read in the Senate.

In no instance does it appear that any controversy was ever raised as to the right of the governor's appointee to sit and participate in the deliberations of the Senate until his or her successor appeared with the proper credentials.

These are all, of course, constructions of the original Constitution, and the seventeenth amendment was adopted in view of the practical construction given to the corresponding provision of the work of the fathers by the Senate itself. Under well-established principles of construction, the language being changed only so far as was necessary to express the purpose to change the method of election, the people indorsed the construction of the clause of the Constitution in question implied

in the practice which had been observed by the Senate, and intended that the amendment should be similarly construed.

I have said this much because I did not like to have it appear, if the lady is sworn in—as I have no doubt she is entitled to be sworn in—that the Senate had so far departed from its duty in the premises as to extend so grave a right to her as a favor, or as a mere matter of courtesy, or being moved by a spirit of gallantry, but rather that the Senate, being fully advised about it, decided that she was entitled to take the oath.

The PRESIDENT pro tempore. The Secretary will read the certificate presented by the Senator from Georgia.

The reading clerk read as follows:

THE STATE OF GEORGIA.

By his excellency Thomas W. Hardwick, Governor of said State.

To the Hon. REBECCA LATIMER FELTON, greeting:

Whereas, in conformity with the provisions of the constitution and laws of this State, you were on the 3d day of October, 1922, appointed Senator in the Congress of the United States:

Now, therefore, by virtue of the power and authority in me vested by the constitution and laws of this State, and in pursuance of your appointment, I do hereby commission you, the said REBECCA LATIMER FELTON, Senator in the Congress of the United States from the State of Georgia.

This commission shall continue in force from the 3d day of October, 1922, and until your successor is elected and qualified, unless the same shall be sooner vacated or annulled in the manner authorized by the constitution and laws of this State.

Given under my hand and the great seal of the State, at the capitol, in the city of Atlanta, the 3d day of October, in the year of our Lord 1922.

[SEAL.] THOMAS W. HARDWICK,
Governor.

By the Governor:
S. G. MCLENDON,
Secretary of State.

The PRESIDENT pro tempore. Mrs. FELTON, being present, will kindly present herself at the desk to receive the oath of office.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Harreld	Nicholson	Smoot
Bayard	Harris	Norris	Stanfield
Borah	Harrison	Overman	Stanley
Capper	Heflin	Owen	Sterling
Colt	Hitchcock	Page	Sutherland
Cummins	Kellogg	Pepper	Swanson
Curtis	Keyes	Pittman	Trammell
Dial	Ladd	Pomerene	Walsh, Mass.
Edge	La Follette	Ransdell	Walsh, Mont.
Ernst	Lodge	Reed, Pa.	Warren
Fletcher	McCumber	Sheppard	Watson
France	McKellar	Shields	Weller
Frelinghuysen	McKinley	Shortridge	Willis
Gooding	McNary	Simmons	
Hale	Nelson	Smith	

The PRESIDENT pro tempore. Fifty-eight Senators have answered to their names. There is a quorum present. The Senator appointed will present herself at the desk to receive the oath of office.

Mrs. FELTON was escorted by Mr. HARRIS to the Vice President's desk, and the oath prescribed by law having been administered to her, she took her seat in the Senate.

ALLEGED OUTRAGES IN LOUISIANA.

Mr. RANSDELL. Mr. President, I rise to a question of privilege, as one of the Senators from Louisiana, whose citizenship and institutions have been grossly misrepresented during the past three days by one of the newspapers of this city.

Mr. President, I was shocked and grieved to read in the usually conservative Washington Post of the 19th, 20th, and 21st instant, under scare headlines, on the first page of each day's issue, a most remarkable story of crime, lawlessness, and terrorism in Louisiana. If the statements in these articles were correct, the plight of my State would be sad indeed, but they are very far from the truth.

I can not conceive how such sweeping, libelous, extremely damaging statements in regard to an entire sovereign State—not to some community thereof—could have been given even ordinary publicity in a reputable newspaper, but when placed on the first page of one of the greatest journals in America, issued at the Nation's Capital, under headings so large as to attract universal attention, it is utterly incomprehensible. I can not believe the Post set out willfully and deliberately to slander and destroy the good name of Louisiana, but unless immediate retraction is made by it in the same conspicuous way that the libel was uttered, the effect is certain to be most injurious.

I traveled over several parts of Louisiana during the past six weeks and met a great many of its citizens. Conditions seemed to be normal everywhere; the courts were functioning as usual; the people were attending fairs and armistice-day celebrations with apparent relish; business was excellent in many places and poor in others; there was no general unrest; the press was free and outspoken on all subjects, including the Ku-Klux Klan; there was no more crime than usual.

I heard much comment about the Mer Rouge outrage, which probably resulted in the murder of two men under dastardly circumstances, and gossip connected individual members of the Ku-Klux Klan with this crime—I say probable murder, as the two men referred to disappeared months ago, have never been heard from since, and there is every reason to believe they were foully murdered. This deplorable affair was an isolated one, in a thinly populated community, and it cost the lives of but two human beings and the cruel beating of two others. No one has been tried for it as yet, but I am assured that evidence is being secured, and when obtained, that the murderers will be brought to justice and prosecuted with all the power which the attorney general of the State and the local authorities can muster.

This Mer Rouge crime, by odds the worst that has occurred in Louisiana during the past four years, pales into insignificance when compared to the horrors of the race riots of 1920 in Chicago; the West Virginia miners' civil war of 1921; and the Herrin, Ill., wholesale murders of helpless men because they wished to work, only a few months ago. It would have been a very unjust slander on the States of West Virginia and Illinois to say, because of these terrible crimes, that their courts had ceased to function; their citizens were in terror; their press had been silenced; outrages against persons were frequent and never punished, and so forth. And yet when a crime small in comparison with those of West Virginia and Illinois occurs in one of the 64 parishes of Louisiana, the whole State, with its nearly 2,000,000 people, is held up to scorn before mankind. The statements in the Post are vicious and untrue!

Mr. WALSH of Massachusetts. Mr. President, I was much interested in the statement of personal privilege offered by the senior Senator from Louisiana [Mr. RANSDELL]. I would not refer to the subject were it not for the fact that I have some letters in my possession that may explain in part some of the statements made in the press in reference to law enforcement in Louisiana. I hope the news story about the power and influence of the Ku-Klux Klan in that State was exaggerated. I can not conceive of such an un-American spirit getting a foothold in any Commonwealth of the United States. It is difficult for Americans who believe in the Constitution to conceive of the special kind of intolerance alleged to be rampant in certain parts of this country.

Religious bigotry in individual cases may be explained, but it is inconceivable that there could be in this enlightened day and in a nation whose proud boast is "The land of the free and the home of the brave" the wholesale bigotry and prejudice against members of certain religious denominations and races that is alleged to prevail. Are we approaching a period in our history when groups of individuals demand that the principles laid down in our Constitution shall be applied to themselves but not to all other Americans?

There is no use of disguising the fact that this outlawry exists. It showed its heinous and venomous character here and there in the recent election. It is threatening control of the political machinery of our political parties. The letters that have come to me from most conservative and intelligent people in various parts of this country have astounded me with the extent and horrors of its practices. These letters seem to indicate that this organized spirit of intolerance is not only seeking to deny political rights to classes of our citizens but is even trying to destroy equality of opportunity, even for men and women in the humble walks of life, which is one of our most glorious inheritances.

The individual, organization, or political party that spreads a gospel of hate and dissension among our fellow citizens is striking a death blow at democratic institutions more destructive than that effort to destroy democracy which caused us to send our soldiers to fight in France in 1917. Let the leaders of all political parties refuse to silently accept the influence and support of secret organizations whose purposes are to promote propaganda of prejudice and persecution. The political party that does not repudiate such organizations will in time exterminate itself. The American people, when the issue is made clear, will not hesitate to support the Constitution.

The assertion, so forcibly denied by the senior Senator from Louisiana [Mr. RANSDELL], that religious, civil, and human lib-

erty is suppressed in that State may be exaggerated; but America is not free from this malignant propaganda while a single citizen of the most distant hamlet is denied complete protection against every form of religious prejudice and racial persecution.

The annihilation of such undemocratic and tyrannical movements ought to be led by those who are not of the religious or racial groups that are its victims. It is time for liberty-loving, broad-minded Americans to act before our free institutions be further undermined. Above everything else, let us not wait until the victims are driven in desperation to free themselves from religious and racial proscription by resort to religious and racial proscription.

I have a letter from the Governor of Louisiana addressed to an ex-service man, in which he asks this ex-service man to write Senators and Congressmen urging the Department of Justice to assist in bringing to justice those involved in a murder assumed to have been committed through the influence of the Ku-Klux Klan. I shall, without further comment, ask that the letter, addressed to me by a very reputable citizen of the State of New York, an ex-service man, in which he refers to the murder of one of his associates in the war, and the letter sent by the Governor of Louisiana to him in reference to the attempt to prosecute the murderers may be read at the desk. It is evident from the letter of Governor Parker that he has sought the assistance of the Department of Justice to bring at least some murderers to the bar of justice.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the letters will be read as requested.

The letters were read, as follows:

JOSEPH MORNINGSTAR & CO. (INC.),
New York, November 9, 1922.

Hon. DAVID I. WALSH,
Senator from Massachusetts, Washington, D. C.

DEAR SIR: I am sending you herewith a copy of the New Orleans Item which outlines the crime perpetrated in Morehouse Parish, La., and a letter from the Hon. John M. Parker, Governor of Louisiana, addressed to me.

The facts speak so clearly for themselves that any comment I may make upon them would be superfluous.

You are undoubtedly aware what the Ku-Klux Klan stands for and I know that you feel, as I do, that it is a privilege to line up on the other side.

The reason I am interesting myself in this case is because Fillmore Watt Daniel served overseas with me in the same company with the rank of sergeant, in A Company, Three hundred and thirty-sixth Battalion, Tank Corps. At the time of his enlistment Daniel was well beyond the draft age and could have been exempted in any case as an agriculturist. Nevertheless he left his old father to run one of the largest cotton plantations in that part of the country to do his duty as a citizen and a man, regardless of the technical justification the Government gave him for staying at home.

Just how well his State and country have rewarded him so far can be seen by the inclosed letter and newspaper.

Where the governor of a State admits that justice can not be secured through local authority it seems obvious that the Federal authorities gain jurisdiction, and the copy of the letter of Governor Parker clearly puts this case in that category.

If you could spare a small fraction of your time to see that justice is done there is no question in my mind that more good would come of it because of your eminence in the national standing.

While I have laid these facts before the Department of Justice I have had nothing of encouragement yet. A request from you and any of your colleagues that you may interest in this case would do more to right this grievous wrong than anything that I could do.

I can testify, as can Daniel's comrades, that he was a man of the highest character and moral integrity, a man who made himself beloved to his fellows because of his unfailing generosity, sympathy, and manliness.

During the whole exposé of the Klan by the New York World and other papers, never has such a flagrant case been noted.

Sincerely hoping that you will help us, his comrades, to see that justice is done, I respectfully subscribe myself,

JOSEPH MORNINGSTAR.

—

STATE OF LOUISIANA,
EXECUTIVE DEPARTMENT,
Baton Rouge, October 30, 1922.

Mr. JOS. MORNINGSTAR,
650 West Thirty-fourth Street, New York, N. Y.

DEAR MR. MORNINGSTAR: Don't think that I, for a second, let up in my determination to bring the murderers of Daniel to trial, if possible.

I deeply regret to say that there is a very large per cent of Ku-Klux in Morehouse Parish, and, from the evidence received by me, Daniel was one of the few men who was absolutely fearless and openly defied them.

It will be necessary to use all the influence at your command to get the United States Government to take an interest in this matter, and for that reason I would appreciate your writing me at length your opinion of this man as a soldier, and put it in such a shape that I can send it to Washington with the certainty that it will bring results. If these results do not come quickly, could I impose upon you by asking you to get in touch with all your Congressmen and Senators, requesting that they take the matter up with the Department of Justice to see that not only is this matter probed to the bottom, but that the murderers are brought before the bar of justice? Every possible effort at my command is and will be used to that end.

Cordially yours,

JNO. M. PARKER, *Governor.*

RESIGNATION OF SENATOR NEWBERRY.

The PRESIDENT pro tempore. The Chair lays before the Senate the following communication, which the Secretary will read.

The Assistant Secretary read as follows:

DETROIT, MICH., *November 17, 1922.*

Hon. CALVIN COOLIDGE,
The Vice President, Washington, D. C.

DEAR MR. PRESIDENT: I inclose herewith a copy of my resignation which I have this day forwarded to the Governor of the State of Michigan, and I respectfully request that this be read into the records of the Senate as soon as possible.

Yours respectfully,

TRUMAN H. NEWBERRY.

—

DETROIT, MICH., *November 18, 1922.*

Hon. ALEX. J. GROESBECK,
Governor of Michigan, Lansing, Mich.

SIR: I tender herewith my resignation as United States Senator from Michigan, to take immediate effect.

I am impelled to take this action because at the recent election, notwithstanding his long and faithful public service and his strict adherence to the basic principles of constructive Republicanism which I hold in common with him, Senator TOWNSEND was defeated. While this failure to reelect him may have been brought about, in part, by over four years of continued propaganda of misrepresentation and untruth, a fair analysis of the vote in Michigan and other States where friends and political enemies alike have suffered defeat will demonstrate that a general feeling of unrest was mainly responsible therefor.

This situation renders futile further service by me in the United States Senate, where I have consistently supported the progressive policies of President Harding's administration. My work there has been and would continue to be hampered by partisan political persecution, and I, therefore, cheerfully return my commission to the people from whom I received it.

I desire to record an expression of my gratitude for the splendid friendship, loyalty, and devotion of those who have endured with me during the past four years experiences unparalleled in the political history of our country. By direction of the Democratic administration, these began immediately upon my nomination, by proceedings before a specially selected grand jury, sitting in another State, which, by a vote of 16 to 1, completely exonerated those who had conducted my campaign. Then followed my election, with every issue which has since been raised clearly before the electorate of the State. A recount was demanded, and after a thorough and painstaking review of the ballots by the United States Senate, I was found to have received a substantial majority. While this was in progress I was subjected, with a large number of representative men of Michigan who had supported me, to a trial, following indictments procured by a Democratic Department of Justice, which through hundreds of agents had hounded and terrified men in all parts of the State into believing that some wrong had been done. Under the instructions given by the court, convictions of a conspiracy to spend more than $3,750 naturally followed, and sentence imposing fines and imprisonment was immediately passed. All charges of bribery and corruption were, however, quashed by the specific order of the presiding judge.

On appeal, the Supreme Court of the United States reversed the action of the court below, because, as stated by Chief Justice White, of the grave misapprehension and the grievous misapplication of the statute, which was also declared unconstitutional. A protracted investigation before the Committee on Privileges and Elections of the Senate resulted in a report sustaining my election; and after a bitter partisan debate the Senate declared that I was entitled to my seat.

In view of all these proceedings my right to my seat has been fully confirmed, and I am thankful to have been permitted to serve my State and my country, and to have the eternal satisfaction of having by my vote aided in keeping the United States out of the League of Nations.

For those who so patriotically and unselfishly worked for my election, and in defense of my own honor and that of my family and friends, I have fought the fight and kept the faith. The time has now come, however, when I can conscientiously lay down the burden, and this I most cheerfully do. If in the future there seem to be opportunities for public service, I shall not hesitate to offer my services to the State which I love and the country I revere.

Respectfully,

TRUMAN H. NEWBERRY.

Mr. HARRISON. Mr. President, I shall not occupy the time of the Senate more than a moment. The communication which has just been read at the desk from Senator NEWBERRY is of great import. It will send a thrill of joy into every American home. It will be "glad tidings of good news" to all Americans. It augurs well for this session of Congress, that so soon after the recent political cyclone, we should begin, as we have to-day, by seating a distinguished lady as Senator from Georgia and then hearing read from the desk this communication of resignation.

Mr. President, individual Senators may err and majorities may make mistakes, but the good common sense of the American people in the end generally prevails. Their high ideals, their sense of justice, their allegiance to the purity of the ballot, their respect for the integrity of this body have wrung from unwilling hands what an autocratic and partisan majority in this body refused to do. The minority receives with pleasure, and I am sure all Americans with gratification, this communication. I congratulate the American people on what they have accomplished wherein the Republican Senate had failed. [Applause in the galleries.]

The PRESIDENT pro tempore. Applause in the galleries is not permitted by the rules of the Senate, and a repetition will result in having the galleries cleared.

Mr. OWEN. Mr. President, I wish to follow what has been said by the Senator from Mississippi [Mr. HARRISON] with an expression of the hope that in the future the use of money on a scale so gigantic as to affect unfairly the electorate will not be repeated in the United States by either a Republican or a Democrat. I believe that we ought to pass a law which would forbid any man, a Republican or a Democrat or a man of any other party, holding a place on this floor where money has been used extravagantly and wrongly and contrary to a reasonable rule and a reasonable law to bring about his election.

The duty is upon us to pass an honest election law which will prevent the recurrence of this abuse. It ought to be done by this Congress before the session ends.

The PRESIDENT pro tempore. The communication which was read at the desk will lie on the table.

LIBERIAN LOAN.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

Mr. WALSH of Montana. Mr. President, I wonder if the Senator from Kansas [Mr. CURTIS], in charge of the unfinished business, will not consent to temporarily lay it aside until we can get through with morning business.

Mr. CURTIS. I was about to make that request. I ask unanimous consent to temporarily lay aside the unfinished business.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside.

Mr. CURTIS. I wish to make a very brief statement. I am advised by those interested in the unfinished business that we probably will make time by having it put over until to-morrow as there are some resolutions in regard to deaths of Members and other matters which Senators desire to have presented. I shall at the proper time ask that the joint resolution may go over until to-morrow, but at present I merely want to have it temporarily laid aside.

HOUSE BILL REFERRED.

The bill (H. R. 11579) to amend section 1 of an act approved January 11, 1922, entitled "An act to permit the city of Chicago to acquire real estate of the United States of America," was read twice by its title and referred to the Committee on Public Buildings and Grounds.

THE MERCHANT MARINE.

Mr. STERLING (for Mr. ODDIE) presented a resolution of the Fernley Farm Bureau, of Fernley, Nev., protesting against the enactment of the so-called ship subsidy bill, which was referred to the Committee on Commerce.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 4025) to permit Mahlon Pitney, an Associate Justice of the Supreme Court of the United States, to retire; to the Committee on the Judiciary.

A bill (S. 4026) granting a pension to Mollie E. Benson; to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 4027) to make unlawful certain acts of individuals and officers at elections at which Senators or Representatives are candidates; to the Committee on the Judiciary.

By Mr. FLETCHER:

A bill (S. 4028) for the relief of John N. Halladay; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 4029) to amend an act entitled "An act to incorporate the Texas Pacific Railroad Co. and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts supplemental thereto; to the Committee on the Judiciary.

By Mr. REED of Pennsylvania:

A bill (S. 4030) for the relief of Capt. Murray A. Cobb; to the Committee on Claims.

By Mr. McKINLEY:

A bill (S. 4031) to authorize the construction of a bridge across the Little Calumet River, in Cook County, State of Illinois, at or near the village of Riverdale, in said county;

A bill (S. 4032) granting the consent of Congress to the State of Illinois, department of public works and buildings, division of highways, to construct, maintain, and operate a bridge and approaches thereto across the Kankakee River, in the county of Kankakee, State of Illinois, between sec. 5, T. 30 N., and sec. 32, T. 31 N., R. 13 E. of the third principal meridian; and

A bill (S. 4033) granting the consent of Congress to the State of Illinois, department of public works and buildings, division of highways, to construct, maintain, and operate a bridge and approaches thereto across the Kankakee River, in the county of Kankakee, State of Illinois, between sec. 6, T. 30 N., and sec. 31, T. 31 N., R. 12 E. of the third principal meridian; to the Committee on Commerce.

By Mr. McNARY (for Mr. NICHOLSON):

A bill (S. 4034) to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. WADSWORTH:

A bill (S. 4035) for the relief of the owner of the steam tug *S. L. Crosby;* to the Committee on Claims;

A bill (S. 4036) to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department; and

A bill (S. 4037) to amend the grade percentages of enlisted men as prescribed in section 4b of the national defense act, as amended; to the Committee on Military Affairs.

By Mr. STERLING:

A bill (S. 4038) to amend section 21 of the Judicial Code; to the Committee on the Judiciary.

A bill (S. 4039) authorizing the Secretary of the Interior to consider, ascertain, adjust, and determine claims of certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses; to the Committee on Indian Affairs.

By Mr. STERLING (for Mr. ODDIE):

A bill (S. 4040) to provide for the conservation of the natural gold resources of the continental United States and its noncontiguous territory by the payment of a bounty on newly mined gold to the producers thereof, and for other purposes; to the Committee on Mines and Mining.

A bill (S. 4041) to authorize the acquisition of a site and the erection of a Federal building at Lovelock, Nev.; and

A bill (S. 4042) to provide for additions and extensions to the United States post office at Reno, Nev.; to the Committee on Public Buildings and Grounds.

INTERNATIONAL HARVESTER CO.

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Attorney General, in response to Senate Resolution 223, agreed to January 24, 1922, relative to any further proceedings contemplated in the case of the United States *v.* International Harvester Co. et al., which was ordered to lie on the table and to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., September 22, 1922.

To the PRESIDENT OF THE SENATE.

SIR: I have the honor to acknowledge the receipt of and to comply with Senate Resolution No. 223, calling on the Attorney General for information as to what, if any, further proceedings are contemplated in the case of United States *v.* International Harvester Co. et al. Omitting the preamble, the resolution provides—

"That the Attorney General be, and he is hereby, directed to inform the Senate what action, if any, is contemplated by the Department of Justice to bring about a modification of said decree, in order that the same may comply with the real judgment rendered by the court in said case; or, if such course be not practical, whether the Department of Justice contemplates any other separate and independent action against said International Harvester Co. for the purpose of effectively restoring competitive conditions between the various corporations composing and comprising said International Harvester Co."

The Government's suit against the International Harvester Co. was filed in the United States District Court for Minnesota in April, 1912. The case was heard by the circuit judges of the eighth circuit, who held (Judges Smith, Hook, and Adams, concurring, and Judge Sanborn, dissenting) that the company constituted a combination in restraint of trade in violation of the Sherman Act, and entered a decree providing that—

"The business and assets of the International Harvester Co. be divided in such manner and into such number of parts of separate and distinct ownership as may be necessary to restore competitive conditions and bring about a new situation in harmony with law."

The Harvester company appealed from this decree to the Supreme Court of the United States, and the case was argued there in April, 1915. On June 2 the case was restored to the docket and was again argued at the next succeeding term and was a second time restored to the docket for reargument. In October, 1918, the Harvester company dismissed its appeal, and there was entered by the district court a decree of dissolution which had been negotiated by counsel for the de-

fendant and the Attorney General. By the terms of the decree the Harvester company was required to sell and dispose of the harvesting machine lines made and sold by it under the trade names of "Osborne," "Milwaukee," and "Champion," together with the Osborne and Champion plants.

In compliance with the decree the International Harvester Co. has sold the Champion and Osborne lines. By a modification of the decree entered in the summer of 1920 the Harvester company has been relieved of the necessity of selling the plants, for the reason that the purchasers of the lines were already engaged in the harvesting implement business with plants of their own. The company has not disposed of the Milwaukee line for the reason that it has not found a purchaser therefor.

On May 4, 1920, the Federal Trade Commission made its report, entitled "Report on the causes of high prices of farm implements," mentioned in the preamble to Resolution No. 223. This report followed a comprehensive investigation of conditions in the farm-implement trade conducted pursuant to a resolution of the Senate. It condemns the decree in the Harvester case as wholly inadequate, because there was no provision for the disposition of either the McCormick or Deering lines of harvesting machines. These lines, it declares, were the predominant lines in 1902, when the Harvester company was formed, and have been continued as the principal ones by that company since, and no dissolution can have the effect to restore competitive conditions which leaves both in the hands of the same company. The report recommends, among other things, that the Harvester case be reopened, "so that a plan of dissolution be arrived at that will restore competitive conditions in the harvesting-machine business."

Paragraph (e) of the final decree provides as follows:

"The object to be attained under the terms of this decree is to restore competitive conditions in the United States in the interstate business in harvesting machines and other agricultural implements; and, *in the event that such competitive conditions shall not have been established at the expiration of 18 months after the termination of the existing war* in which the United States is engaged (or at the expiration of two years from the date of the entry of this decree, in the event that said war shall be terminated within less than six months after the entry of this decree), *then, in that case, the United States shall have the right to such further relief herein as shall be necessary to restore said competitive conditions* and to bring about a situation in harmony with law; and this court reserves all necessary jurisdiction and power to carry into effect the provisions of the decrees herein entered."

1. After careful consideration of this language, and of such information as I have been able to obtain relative to the understanding of the negotiations of the decree, I am forced to the conclusion that this provision was intended to set up a test period in which it might be determined whether the relief granted was adequate to the purpose of the decree. In other words, that a period of 18 months from and after the conclusion of the war must elapse within which to judge of the efficacy of the decree before further proceedings may be had thereunder with a view to enlarging the relief. The paragraph does not provide, as has been assumed by the Federal Trade Commission, that *during* the period in question the United States shall have the right to further relief if competitive conditions have not been restored, but that the United States shall have the right to such relief upon a proper showing *at the expiration of such period*.

Answering specifically the first question propounded by the Senate, in my opinion the time is not ripe for further proceedings under the decree with a view to obtaining additional relief. At the expiration of the test period set up in the decree the Department of Justice, in consultation with the Federal Trade Commission, will consider what, if any, further relief may be necessary in order to effect the declared purpose of the decree and will take the necessary steps to give effect to the conclusions arrived at.

2. Responding to the alternative question asked in the resolution, I have the honor to advise you that the Department of Justice does not now contemplate any separate and independent action against the International Harvester Co. The Government having put in issue in the pending suit the entire question of the legality of the combination, and that question having been resolved in its favor and a decree entered, the Government is bound by that decree as well as the defendants, and the effect of the decree can not be avoided on the ground that it was improvidently negotiated by former officers of the Department of Justice. Unless the Harvester company shall by further acquisitions of competitors or by oppressive conduct give rise to a *new* cause of action, additional relief against it as a combination or monopoly will have to be obtained under the terms of the existing decree.

Respectfully,

GUY D. GOFF,
Acting Attorney General.

DEATH OF REPRESENTATIVE CHARLES R. CONNELL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The resoluton (H. Res. 444) was read, as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES R. CONNELL, a Representative from the State of Pennsylvania.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. PEPPER. Mr. President, I beg leave to offer the resolution which I send to the desk.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 361) was read, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. CHARLES R. CONNELL, late a Representative from the State of Pennsylvania.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDENT pro tempore. The question is upon agreeing to the resolution.

The resolution was unanimously agreed to.

DEATH OF REPRESENTATIVE JOHN I. NOLAN.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The resolution (H. Res. 445) was read, as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. JOHN I. NOLAN, a Representative from the State of California.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. SHORTRIDGE. Mr. President, I offer the resolution which I send to the desk, and ask that it may be immediately considered.

The PRESIDENT pro tempore. The Secretary will read the resolution offered by the Senator from California.

The resolution (S. Res. 362) was read, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. JOHN I. NOLAN, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDENT pro tempore. The question is upon agreeing to the resolution.

The resolution was unanimously agreed to.

Mr. SHORTRIDGE. Mr. President, as a mark of respect to the memory of the deceased Representatives, Mr. NOLAN, of California, and Mr. CONNELL, of Pennsylvania, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 2 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, November 22, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *November 21, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, clothed with patience and sympathy, Thou dost come with us day by day. In Thee is our faith, and Thou art the sum of all our hopes. Teach us our duty and show us how to employ its standards in their application to the public service. Bring all our citizens together into a true unity of interest and inspire them with a great desire for the things that shall ennoble our whole Nation. O Thou who dwellest in infinite strength, bring to pass the day when the new world shall come in which shall dwell peace, fraternity, and cooperation, and Thy glory shall cover the face of the wide earth. In the name of Jesus, the Prince of peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions:

Senate Resolution 357.

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Senate Resolution 358.

Resolved, That a committee consisting of two Senators be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

Pursuant to the foregoing resolution, the Vice President had appointed Mr. LODGE and Mr. SIMMONS as members of such committee on the part of the Senate.

Senate Resolution 360.

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. THOMAS E. WATSON, late a Senator from the State of Georgia.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives, and transmit a copy thereof to the family of the deceased Senator.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The message also announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 367. An act for the relief of J. Irving Brooks; and

H. R. 10144. An act conveying the peninsula of Presque Isle, Erie, Pa., to the State of Pennsylvania, its original owner, for public park purposes.